

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

|                                  |   |                   |
|----------------------------------|---|-------------------|
| DANIEL RENTERIA-VILLEGAS,        | ) |                   |
| DAVID ERNESTO GUTIERREZ-TURCIOS, | ) |                   |
| Plaintiffs,                      | ) |                   |
| v.                               | ) | No. 3:11-cv-00218 |
| METROPOLITAN GOVERNMENT OF       | ) |                   |
| NASHVILLE & DAVIDSON COUNTY,     | ) | Judge Sharp       |
| UNITED STATES IMMIGRATION AND    | ) |                   |
| CUSTOMS ENFORCEMENT AGENCY,      | ) |                   |
|                                  | ) |                   |
| Defendants.                      | ) |                   |

**THE METROPOLITAN GOVERNMENT’S MOTION TO AMEND ORDER FOR  
CERTIFICATION FOR INTERLOCUTORY APPEAL AND FOR STAY PENDING  
APPEAL**

Pursuant to 28 U.S.C.A. § 1292 the defendant the Metropolitan Government of Nashville & Davidson County (“Metropolitan Government”) moves the Court to certify for the purpose of an interlocutory appeal the Order that granted Plaintiffs’ Motion for Leave to Amend Complaint (Docket No. 44). The ground for the motion is that said order qualifies for certification on the basis that it involves controlling questions of law as to which there are substantial grounds for difference of opinion and that an immediate appeal from the order will materially advance the ultimate termination of the litigation.

Metro further moves for an order that stays this action until the Court of Appeals: 1) resolves the issue whether to accept an interlocutory appeal by permission, and 2) in the event of acceptance, issues a final decision in the interlocutory appeal.

In support of the motion Metro submits the accompanying Memorandum of Law.

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
SUE B. CAIN #9380, DIRECTOR OF LAW

/s/Derrick C. Smith

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**Certificate of Service**

This is to certify that a copy of the foregoing has been forwarded electronically to Elliot Ozment, 1214 Murfreesboro Pike, Nashville, TN 37217 Craig A. Defoe, P.O. Box 868, Ben Franklin Station, Washington, DC 20008, Joshua E.T. Braunstein, 450 5<sup>th</sup> Street NW, Room 6024, Washington, DC 20001 and Mark H. Wildasin, 110 9<sup>th</sup> Avenue S., Suite A961, Nashville, TN 37203-3870, via the CM/ECF electronic filing system, on this the 5<sup>th</sup> day of July, 2011.

s/Derrick C. Smith

Derrick C. Smith